

Message Text

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ORIGIN DLOS-09

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FOR USDEL LOS AMBASSADOR ALDRICH

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: KISH-ALDRICH TELECON

PER YOUR REQUEST, THE FOLLOWING IS A DRAFT RECEIVED FROM
CARLA KISH WHO REQUESTS YOUR VIEWS RE SAME.

QUOTE

TITLE II - TRANSITION TO INTERNATIONAL AGREEMENT

SEC. 201. DECLARATION OF CONGRESSIONAL INTENT.

IT IS THE INTENT OF CONGRESS --

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(1) THAT ANY INTERNATIONAL AGREEMENT TO WHICH THE UNITED
STATES BECOMES A PARTY SHOULD, TO THE EXTENT POSSIBLE, AND
IN ADDITION TO PROMOTING OTHER NATIONAL OCEANS OBJECTIVES --

(A) PROVIDE ASSURED AND NONDISCRIMINATORY ACCESS, UNDER
REASONABLE TERMS AND CONDITIONS, TO THE HARD MINERAL

RESOURCES OF THE DEEP SEABED FOR UNITED STATES CITIZENS, AND

(B) ALLOW UNITED STATES CITIZENS WHO HAVE UNDERTAKEN
EXPLORATION FOR, OR COMMERCIAL RECOVERY OF, HARD MINERAL

RESOURCES OF THE DEEP SEABED UNDER THE PROVISIONS OF THIS ACT, BEFORE SUCH AGREEMENT ENTERS INTO FORCE WITH RESPECT TO THE UNITED STATES TO CONTINUE THEIR OPERATIONS WITHOUT UNREASONABLE AND DETRIMENTAL ALTERATION IN THE TERMS, CONDITIONS, AND RESTRICTIONS UNDER THIS ACT, WHICH ALTERATIONS COULD NOT HAVE BEEN REASONABLY ANTICIPATED.

(2) IT IS ALSO THE INTENT OF CONGRESS THAT THE EXTENT TO WHICH ANY SUCH INTERNATIONAL AGREEMENT CONFORMS TO THE PROVISIONS OF SUBSECTION (1) SHOULD BE DETERMINED BY THE EFFECTS OF THE PROVISIONS OF SUCH INTERNATIONAL AGREEMENT, INCLUDING THE EFFECT ON THE SECURITY OF INVESTMENTS OF ANY DISCRETIONARY POWERS GRANTED TO AN INTERNATIONAL REGULATORY BODY, THE EFFECTS OF THE STRUCTURE AND DECISION-MAKING PROCEDURES OF SUCH A BODY, THE EFFECTS OF THE AVAILABILITY OF IMPARTIAL AND EFFECTIVE PROCEDURES FOR THE SETTLEMENT OF DISPUTES, AND THE EFFECTS OF ANY FEATURES THAT TEND TO DISCRIMINATE AGAINST EXPLORATION AND COMMERCIAL RECOVERY ACTIVITIES UNDERTAKEN BY UNITED STATES CITIZENS.

(3) THAT THIS ACT SHOULD BE TRANSITIONAL PENDING --
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(A) THE ADOPTION OF AN INTERNATIONAL AGREEMENT AT THE UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA, AND THE ENTERING INTO FORCE OF SUCH AGREEMENT, OR PORTIONS THEREOF, WITH RESPECT TO THE UNITED STATES, OR

(B) IF SUCH ADOPTION IS NOT FORTHCOMING, THE CONCLUSION OF A MULTILATERAL OR OTHER TREATY CONCERNING THE DEEP SEABED, AND THE ENTERING INTO FORCE OF SUCH TREATY WITH RESPECT TO THE UNITED STATES.

SEC. 202. EFFECT OF INTERNATIONAL AGREEMENT.

IF AN INTERNATIONAL AGREEMENT ENTERS INTO FORCE WITH RESPECT TO THE UNITED STATES, ANY PROVISION OF THIS ACT, AND ANY REGULATION ISSUED THEREUNDER, WHICH IS NOT INCONSISTENT WITH SUCH INTERNATIONAL AGREEMENT, SHALL CONTINUE IN EFFECT WITH RESPECT TO UNITED STATES CITIZENS. THE SECRETARY, IN CONSULTATION WITH THE SECRETARY OF STATE, SHALL TAKE ALL NECESSARY MEASURES TO INSURE, TO THE MAXIMUM EXTENT POSSIBLE CONSISTENT WITH THE PROVISIONS OF SUCH INTERNATIONAL AGREEMENT, THAT THE INTEGRITY OF IN-

VESTMENTS PREVIOUSLY MADE BY UNITED STATES CITIZENS IN CONNECTION WITH DEEP SEABED MINERAL EXPLORATION AND COMMERCIAL RECOVERY IS PROTECTED IN THE IMPLEMENTATION OF SUCH INTERNATIONAL AGREEMENT. THE SECRETARY SHALL SUBMIT TO THE CONGRESS, WITHIN ONE YEAR AFTER THE DATE OF SUCH ENTRY INTO FORCE, A REPORT ON THE ACTIONS TAKEN BY THE

SECRETARY UNDER THIS SECTION, WHICH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO --

(1) A DESCRIPTION OF THE STATUS OF DEEP SEABED MINING OPERATIONS OF UNITED STATES CITIZENS UNDER THE INTERNATIONAL AGREEMENT;

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(2) AN ASSESSMENT OF WHETHER UNITED STATES CITIZENS WHO WERE ENGAGED IN EXPLORATION FOR OR COMMERCIAL RECOVERY OF HARD MINERAL RESOURCES OF THE DEEP SEA ON THE DATE SUCH AGREEMENT ENTERED INTO FORCE HAVE BEEN PERMITTED TO CONTINUE THEIR OPERATIONS WITHOUT UNREASONABLE AND DETRIMENTAL ALTERATION IN THE TERMS, CONDITIONS AND RESTRICTIONS IMPOSED UPON THEM UNDER THIS ACT; AND

(3) SUCH RECOMMENDATIONS AS THE SECRETARY FINDS ARE NECESSARY TO COMPENSATE UNITED STATES CITIZENS FOR ANY UNREASONABLE OR DETRIMENTAL ALTERATIONS IN THE TERMS, CONDITIONS OR RESTRICTIONS UNDER THIS ACT, WHICH ALTERATION COULD NOT HAVE BEEN REASONABLY ANTICIPATED. END QUOTE.

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